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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,314	03/26/2001	Martin Vetterli	123593.00106	8869
27557 7590 12/31/2009 BLANK ROME LLP WATERGATE 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			EXAMINER NGUYEN, PHU K	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 12/31/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/817,314

Applicant(s)

VETTERLI ET AL.

Examiner

PHU NGUYEN

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 8, 10, 12-20, 22-31, 36-38, 44, 46 and 47 is/are pending in the application.
4a) Of the above claim(s) 46 and 47 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 8, 10, 12-20, 22-31, 36-38, 44 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____

Newly submitted claims 46 and 47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: finding a best match (claim 46) and a participant in a meeting (claim 47).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 46 and 47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8, 10, 12-20, 22-31, 36-38, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose et al. (Annotating Real-World Objects Using Augmented Reality)

As per claim 1, Rose teaches the claimed "computerized method for generating a display on a screen display" comprising the steps of:

(a) "capturing a view" (Rose, page 4, video camera captures the object on scene);

(b) "retrieving a set of elements to annotate in said view" (Rose, page 10, last paragraph);

(c) "obtaining an identification of each said element; wherein said obtaining an identification includes linking a plurality of identifications in a pyramid representation in which at least one common annotation which is displayed at a coarser scale of said view is linked with a plurality of offspring annotations which are only displayed at a finer scale" (Rose, page 9, section 6 Model Annotations, 2nd paragraph);

(d) "relating the identification to annotating data associated with said elements to provide an annotated view" (Rose, page 9, section 6 Model Annotations); and

(e) "causing the annotating view to be displayed on the display device" (Rose, page 10, figure 6.1).

It is Rose does not teach capturing a view "at a focal length". However, given Rose's video camera (page 4, figure 3.1), it would have been obvious to capture the real object at "at a focal length" for the purpose of provide a clear picture with a right focus.

Claim 8 adds into claim 1 "relating the identification to the annotating data comprises referring to a database" (Rose,).

Claim 12 adds into claim 1 "generating of one of a visual signal, auditory signal and tactile signal" (Rose,).

Claim 13 adds into claim 1 "displaying the annotating data in combination with displaying an image/video of the view" (Rose,).

Claim 14 adds into claim 1 "displaying the annotating data comprises highlighting" (Rose,).

Claims 15-20 add into claim 1 the views seen through camera (used for training, commercial establishment, from within a museum, in navigation, shopping display, of participants in a meeting) which would have been obvious for real world scene seen through Rose's camera (figure 3.1).

Claim 23 adds into claim 1 "the view is taken by a camera" (Rose, video camera, page 4, figure 6.1 and page 6, section 3.5 Input).

Claims 24-26, 29 add into claim 1 the identification system which defines the desired object such as radio beacon, meta-information, position and viewing direction, ... (Rose, POB Magnetic tracker, page 4, figure 3.1 and page 6, section 3.5 Input; page 11, section 7, Object Examination and figure 7.1).

Claims 27-28 add into claim 1 "a portable device and touching screen" which is obvious in view of Rose's system hardware for use a portable system (section 3.1 Hardware Components, page 3).

Claim 30 adds into claim 1 "the annotating data is further based upon an analysis of the view" (Rose, page 9, section 6 Model Annotations).

Claim 36 is similar to claim 1 and adds "enabling said element to be selectable so that when the element is selected additional information is displayed" (Rose, page 9, section 6 Model Annotations; and page 6, section 3.5 Input; figures 8.1-8.2).

Claim 38 is similar to claim 1 and adds "the identification is based on visual cues using computer vision" (Rose, page 9, section 6 Model Annotations and page 6, section 3.5 Input).

Claim 10 adds into claim 38 "the signal from the element has been located using array processing" which is well known in the art and merely known as mere design choice because Applicant's disclosure does not provide any specific technique of array processing on the Disclosure.

Due to the similarity of claims 22, 31, and 37 to claims 1, 8, 13-20, 23-30, they are rejected under the same reason.

Claim 44 claims "a mobile phone" to take the image of the scene which would have been obvious in view of Rose's video camera (figure 3.1, page 4). Furthermore, Applicant's specification discloses no specific reason for use a mobile phone with a

camera to take image of scene; therefore, such use of camera from a mobile phone is commonly known as mere design choice.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHU NGUYEN whose telephone number is (571)272-7645. The examiner can normally be reached on M-F/8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272 7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/ Phu K. Nguyen/
Primary Examiner, Art Unit 2628